

Elyana R. Sutin
Regional Judicial Officer

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2006 DEC -5 AM 10:12

In the Matter Of:) Docket No. SDWA-08-2006-0068
)
Glacier Park International Airport,) **CONSENT AGREEMENT**
)
Respondent.)

FILED
EPA REGION VIII
HEARING CLERK

AUTHORITY

1. This Consent Agreement is entered into between Complainant United States Environmental Protection Agency, Region 8 (Complainant), and Respondent Glacier Park International Airport (Respondent) pursuant to section 1423 of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300h-2, and 40 C.F.R. section 22.18(b)(2). This authority has been properly delegated to the undersigned EPA officials. Complainant and Respondent (hereafter referred to collectively as "the Parties"), by their undersigned representatives, hereby consent and agree as follows.

FACTUAL AND PROCEDURAL BACKGROUND

2. Complainant issued Respondent a Proposed Order and Penalty Complaint with Notice of Opportunity for Hearing (Complaint) in the above-captioned matter on September 28, 2006, pursuant to section 1423(c) of the SDWA, 42 U.S.C section 300h-2(c).

3. The Parties agreed upon a settlement-in-principle to fully resolve the violation alleged in the Complaint.

4. Respondent has fully complied with the Proposed Compliance Order set forth in the Complaint. Specifically, on October 13, 2006, Respondent provided Complainant with information verifying that it had permanently plugged the two Class V wells at issue in the Complaint by capping with concrete the discharge pipes from both septic tanks at the car wash building. Respondent is redirecting the waste water from the car wash building into a storage tank as an alternate means of disposal. The waste water is drained from the storage tank, transported, and treated by DC Water Works on a weekly basis. The treated water is discharged into the City of Missoula's Publicly Owned Treatment Works, and the residual sludge is disposed of at the Missoula County Landfill.

5. Respondent admits the jurisdictional allegations of the Complaint and the Consent Agreement.

6. Respondent neither admits nor denies the specific factual allegations of the Complaint or the Consent Agreement.

7. Respondent waives its right to a hearing before any tribunal to contest any issue of law or fact set forth in the Complaint or the Consent Agreement.

8. The Consent Agreement contains all terms of the settlement agreed to by the Parties. Upon incorporation into a Final Order, the Consent Agreement applies to and is binding upon EPA and Respondent, its officers, directors, employees, agents and all persons acting under or for Respondent, until such time as the civil penalty required under paragraph no. 9 has been paid. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under the Consent Agreement.

9. Pursuant to SDWA section 1423(c)(4)(B), 42 U.S.C. section 300h-2(c)(4)(B), the nature of the alleged violation, and other relevant factors, EPA determined that an appropriate civil penalty to settle this action is in the amount of six thousand one hundred fifty dollars (\$6,150).

TERMS OF SETTLEMENT

10. Respondent consents to the issuance of the Consent Agreement and, for the purposes of settlement, to the payment of the civil penalty cited in paragraph no. 9 above.

11. Respondent shall pay the total civil penalty of Six Thousand One Hundred Fifty Dollars (\$6,150) by remitting a cashier's or certified check, payable to "Treasurer, United States of America," within sixty (60) days of receiving a final order in this matter, to:

Mellon Bank
EPA Region 8
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA. 15251

The check shall reference Respondent's name and address and the EPA docket number of this action.

12. Respondent agrees to mail a copy of the check simultaneously to the following:

Tina Artemis, Regional Hearing Clerk
U.S. EPA Region 8 (8RC)
999 19th Street, Suite 300
Denver, Colorado 80202-2466

and to:

Amy Swanson, Enforcement Attorney
Legal Enforcement Program (8ENF-L)
U.S. EPA Region 8
999 19th Street, Suite 300
Denver, Colorado 80202-2466

13. Respondent further agrees and consents that if it fails to pay the penalty amount within sixty (60) days of receipt of the Final Order, interest on the penalty amount shall accrue from the date of the Final Order at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. section 3717. A late payment charge of Fifteen Dollars (\$15.00) shall be imposed after the first thirty (30) days that the payment, or any portion thereof, is overdue, with an additional charge of Fifteen Dollars (\$15.00) imposed for each subsequent 30-day period until the payment is made. In addition, a six percent (6%) per annum penalty shall be applied to any principal not paid within ninety (90) days of the due date of the Final Order.

14. The penalty specified in paragraph no. 9 above shall represent a civil penalty assessed by EPA and shall not be deductible for purposes of Federal taxes under U.S. law.

GENERAL PROVISIONS

15. The Consent Agreement shall not relieve Respondent of its obligation to comply with the SDWA, its implementing regulations and permit conditions.

16. Failure by Respondent to comply with any of the terms of the Consent Agreement shall constitute a breach of the Consent Agreement and may result in referral of the matter to the Department of Justice for enforcement of the Consent Agreement and for such other relief as may be appropriate in federal district court.

17. Nothing in the Consent Agreement shall be construed as a waiver by EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted if Respondent fails to perform pursuant to the terms of the Consent Agreement.

18. Respondent's undersigned representative certifies that she is fully authorized to enter into and bind Respondent to the terms and conditions of the Consent Agreement.

19. Each party shall bear its own costs and attorneys fees related to this matter.

20. The Parties agree to forward the Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a Final Order.


21. The Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and upon full satisfaction by the Parties, shall constitute a complete and full civil settlement of the specific violation alleged in the Complaint.

22. The Consent Agreement shall become effective upon the date of issuance of the Regional Judicial Officer's Final Order.

SO CONSENTED AND AGREED TO:

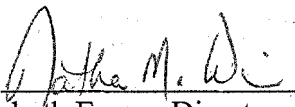
**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.**

Date: 5 December 2006

By: 
Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program

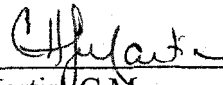
Date: 5 December 2006

for

By: 
Elisabeth Evans, Director
Technical Enforcement Program

**GLACIER PARK INTERNATIONAL
AIRPORT,**
Respondent.

Date: 11-29-06

By: 
Cindi Martin, C.M.
Airport Director

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter **GLACIER PARK INTERNATIONAL AIRPORT, DOCKET NO.: SDWA-08-2006-0068** was filed with the Regional Hearing Clerk on December 6, 2006.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Amy Swanson, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on December 6, 2006, to:

Cindi Martin, Airport Director
Glacier Park International Airport
4170 Highway 2 East
Kalispell, MT 59901

Telefaxed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268
513-487-2063

December 6, 2006


Tina Artemis
Regional Hearing Clerk/Paralegal



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